

ENTERED

November 13, 2015

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

CIVIL ACTION NUMBER: L-15-CV-245

ORDER FOR CONFERENCE

1. A **telephonic** initial pretrial and scheduling conference will be conducted in this case by:

United States Magistrate Judge Guillermo R. Garcia

on **Friday, December 4, 2015 at 3:00 PM**

Each party shall be responsible for making timely contact with the Court for this hearing.
The Court may be reached at (956) 790-1757.

2. After the parties meet as required by FED.R.CIV.P. 26(f), counsel shall prepare and file a thorough and detailed JOINT REPORT ON MEETING AS REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN. **The parties must submit their JOINT REPORT and JOINT DISCOVERY/CASE MANAGEMENT PLAN no later than Tuesday, November 24, 2015.**
3. The Court will enter a scheduling order and may rule on any pending motions at the conference.
4. The Plaintiff(s), or the party removing this suit from state court, **SHALL SERVE THE OPPOSING PARTY OR PARTIES** with copies of:
 - a) this ORDER OF CONFERENCE,
 - b) the form for the JOINT REPORT ON MEETING REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN,
 - c) the MEMORANDUM explaining the conduct this Court will expect of counsel in this action.
5. These papers **SHALL BE SERVED CONTEMPORANEOUSLY WITH THE SUMMONS AND COMPLAINT.**
6. The parties will be bound by the provisions contained in this ORDER, the papers mentioned in #4 above, and the dates set out in the scheduling order to be entered in this case.
7. A person litigating pro se is bound by the requirements imposed upon counsel in this Order.

By Order of the Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

NOTICE OF THE RIGHT TO TRY
A CIVIL CASE BEFORE A MAGISTRATE JUDGE

With the consent of all parties, a United States Magistrate Judge may preside in a civil case, including jury trial and final judgment.

The choice of trial before a Magistrate Judge is entirely yours. Tell only the Clerk. Neither the Judge or the Magistrate Judge will be told until all the parties agree.

The District Judge to whom your case is assigned must approve the referral to a Magistrate Judge.

You may get consent forms from the Clerk.

David J. Bradley, Clerk

10. Describe the proposed discovery plan agreed upon at the conference. Include the following:
 - a) Do you suggest any changes to be made in the timing of the disclosures required by Fed.R.Civ.P. 26(a)(1)? If so, what are they?
 - b) If they have not already been made, when will the required disclosures be made?
 - c) Is there a need for an initial discovery phase in this litigation, and if so, on what issues is this discovery needed and when will it be completed?
 - d) When will interrogatories and requests for production be sent?
 - e) List the names of all persons for whom depositions will be needed and when these depositions will be taken.
 - f) When will discovery be completed?
11. If the parties do not agree on any portion of the discovery plan, describe the separate views and proposals of each party.

Settlement and Trial Alternatives

12. Describe the possibilities of settlement or alternative dispute resolution which were discussed at the Rule 26(f) meeting.
13. State what has been done to bring about a prompt settlement.
14. Is this case suitable for Alternative Dispute Resolution (ADR)? If so, what has been done to promote ADR?
15. Will the parties consent to trial before a Magistrate Judge?
16. Has a jury demand been made? Is it timely?
17. In the event of a trial, how long will it take to try this case?

Additional Conference Items

18. If there are any motions pending before the Court at this time, list them.
19. Can any of these motions be ruled upon at the initial pretrial and scheduling conference?
20. Are there any other matters peculiar to this case, including discovery, which deserve the special attention of the Court at the conference?
21. List the names, bar numbers, addresses, and telephone numbers of all counsel.



UNITED STATES MAGISTRATE JUDGE'S COURT

MEMORANDUM

To: All litigants and counsel filing cases in this Division
Date: February 9, 1994
Re: Waiver of the requirements of Rule 26

This Division is now operating under Fed. R. Civ. P. 26 as amended December 1, 1993. Some cases have been specifically exempted from the new requirements of this rule, however, the vast majority of cases are subject to the new amendments. If for some reason counsel feel that the strictures of Rule 26 are inappropriate for their case, they may make a motion to the Court to suspend or modify those requirements. Such a motion must be made within 10 (ten) days of filing for plaintiffs and within 10 (ten) days of service of process for defendants. For removal actions these limits will begin to run after any remand issues have been determined by the Court. The motion must contain a short and plain explanation of why the suspension or modification is needed. If counsel seek modification of the requirements of Rule 26, they must specifically state, in their motion, what those modifications would be.



UNITED STATES MAGISTRATE JUDGE'S COURT

MEMORANDUM

To: All counsel in the pending litigation

Date: October 15, 2007

Re: Possible sanctions for failing to follow the requirements of Rule 26

As you are aware, the Federal Rules of Civil Procedure were amended effective December 1, 1993, and substantial changes were made to Fed. R., Civ.P.26. The Court has now implemented those changes, and all cases which are not specifically excluded from the requirements of Rule 26 will proceed under those provisions.

The Amended Rule 26 will govern this case. Failure by counsel to follow any of the provisions of Rule 26 will result in sanctions being assessed against counsel personally. Any sanctions imposed may not be charged to or reimbursed by clients without prior permission of the Court.

If counsel are unable to comply with any of the provisions of Rule 26, they should immediately inform the Court of this inability. This advisory to the Court should state which provision(s) of Rule 26 counsel are unable to comply with, and the reasons that they are unable to comply with the provision(s). If counsel can demonstrate to the Court that they have made a good faith effort to comply with the provision(s), or that the reasons they are unable to comply with the provision(s) are beyond their control, the imposition of sanctions can be avoided. However, "eleventh hour" notifications to the Court will only be excused in cases of emergency. Otherwise the Court will require at least 10 working days notice from counsel that a provision of Rule 26 can not or will not be followed.

If you have any questions regarding the above matters, please do not hesitate to contact the Court. I or my staff will be pleased to assist you.